

LOCAL RULES FOR THE DISTRICT COURT
of SPOKANE COUNTY, WASHINGTON

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LRLJ 2
SCOPE OF RULES AND ADOPTION

(a) Effect of Local Rules. The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

(b) Scope. The Local Rules apply to all Courts in which a Spokane County District Court Judge is appointed or elected to sit, including but not limited to the Spokane County District Court, Cheney Municipal Court, and the Deer Park Municipal Court

(c) Adoption and Amendments. These Rules may be amended from time to time by a majority of the Judges.

(d) Prior Rules Repealed. All prior rules of the Spokane County District Court are repealed upon the adoption of these Rules.

(Adopted effective Sept. 1, 1988; Amended effective Sept. 1, 1995.
Amended effective Sept. 1, 2009)

LRLJ 3
DEFINITION OF TERMS AND SENIORITY

(8) Departmental Numbers and Seniority

(a) Departmental Numbers. The District Court of Spokane County shall be divided into as many Departments as there are Judges authorized by law. Department numbers are assigned as follows:

Department	Incumbent Judge
No. 1	Hon. Vance W. Peterson
No. 2	Hon. Sara B. Derr
No. 3	Hon. John O. Cooney
No. 4	Hon. Patricia Connolly Walker
No. 5	Hon. Gregory J. Tripp
No. 6	Hon. Debra R. Hayes
No. 7	Hon. Donna Wilson
No. 8	(Vacant)
No. 9	Hon. Richard B. White

Whenever a Judge vacates his or her office, the Department number shall be assigned to the successor.

(b) Seniority. Seniority of District Court Judges is as follows

1. Hon. Richard B. White
2. Hon. Donna Wilson
3. Hon. Sara B. Derr
4. Hon. Gregory J. Tripp
5. Hon. Vance W. Peterson
6. Hon. Patricia Connolly Walker
7. Hon. Debra R. Hayes
8. Hon. John O. Cooney

Hereafter, seniority will be determined by the length of service as a Spokane County District Court Judge. If two (2) or more Judges have equal length of service, their seniority shall be determined by lot. Each Judge shall select an unassigned chamber in order of their seniority.

(c) Seniority -- Court Commissioners. Seniority for Court Commissioners shall be determined by date of hire with continuous service. Court Commissioner chamber assignments shall be determined by seniority, provided that there is no over-arching need to locate a commissioner in a certain chamber which supersedes seniority assignment. Docket assignments for the Court Commissioners is at the discretion of the Presiding Judge with consideration given to advice provided by the Bench.

LARLJ 5
PRESIDING JUDGE

(c) Court Organization and Management

(1) General Management. The general management of the Courts shall be vested in the Presiding Judge under policy established by the Judges at regular and special meetings.

(A) Executive Committee

(1) The Executive Committee shall consist of the immediate past Presiding Judge, Presiding Judge, and acting Presiding Judge. The Court may elect one (1) additional Judge to serve on the Executive Committee.

(2) The Executive Committee will act in an advisory capacity to the Presiding Judge in the daily management of the Court, in accordance with the general policy established by the majority vote of the Judges at the regular or special meetings; and have such other duties assigned by the Presiding judge or conferred by the court.

(2) Meetings

(A) The Judges shall meet regularly each Wednesday during the noon hour unless a majority of the judges waive said meeting. The Presiding Judge may schedule one meeting each calendar quarter as a one-half day meeting in lieu of a noon hour meeting. (Amended effective Sept. 1, 2001, Amended effective Sept. 1, 2009)

(B) Special meetings shall be called by the Presiding judge as deemed necessary by Presiding, with timely notice to all Judges.

(C) A quorum consists of a simple majority of Judges and shall be required at all meetings.

(3) Election of Presiding Judge.
(Amended effective Sept. 1, 2002.)

(A) The Presiding Judge shall be elected for a term of two (2) years pursuant to the provisions of General Rule 29.
(Amended effective Sept. 1, 2002.)

(B) The Presiding Judge and Assistant Presiding Judge shall be elected by a majority vote of the Judges.
(Amended effective Sept. 1, 2002.)

(C) In the event the Presiding Judge or Assistant Presiding Judge is unwilling or unable to fulfill the duties of such office, the vacancy or position will be filled by majority vote of the Judges.
(Amended effective Sept. 1, 2002.)

(4) Duties of Presiding Judge. The Presiding Judge shall:

(A) Perform all the duties required by General Rule 29;
(Amended effective Sept. 1, 2002.)

(B) Implement all policies established by the Judges and pursuant to said policies, exercise general management of the Court including but not limited to personnel matters, judicial assignments fiscal matters and supervision of Court Commissioners;

(C) Assign duties to the Court Administrator as deemed necessary;
(Amended effective Sept. 1, 1998)

(D) Act as spokesperson for the Court after seeking advice and counsel from the Judges where appropriate;

(E) Preside at all Judges' meetings and shall call special meetings as necessary;

(F) Make docket and case assignments, including ex parte and conflict cases, which are not assigned to existing departments, and assign dockets as necessary, provided that the preference of the judges by seniority shall be given priority in any docket assignments; and
(Amended effective Sept. 1, 2001)

(G) Appoint committees to study and make recommendations concerning the subject matter assigned and allow the committee to take necessary action when authorized by the Judges.

(5) Court Commissioner

(A) Selection. Upon a vacancy for Court Commissioner, the Court may advertise the vacancy and accept applications. A Personnel Committee of not less than three (3) Judges shall screen the written applications.
(Amended effective Sept. 1, 1997. Sept. 1, 1999.)

The Personnel Committee shall decide which candidates to interview, conduct interviews and make recommendations to the Judges. Any Judge of this Court may attend, participate and vote as a member of the Personnel Committee for the selection process. The selection shall be by majority vote of the Judges

present at a regularly scheduled Judges' meeting or a meeting called by the Presiding Judge for this purpose.
(Amended effective Sept. 1, 1998, Sept. 1, 1999.)

(B) Termination. A Court Commissioner shall serve at the pleasure of the Judges and shall be terminated by a majority vote of Judges at a Judges' meeting.

(C) Attorney-Commissioner - Authority and Jurisdiction. A lawyer appointed Commissioner of this Court shall have such power, authority and jurisdiction in criminal and civil matters as the appointing Judges possess unless otherwise restricted by court rule, statute or case law.

(D) Non-Attorney Commissioner. Court employees qualified to act as a judicial officer under Supreme Court General Rule 8 (GR 8) may be appointed Court Commissioner by a majority of the Judges. The appointee shall perform such duties as authorized by the Judges, in addition to the duties of his or her regular position. The appointment and designation of Court Commissioner shall be for a period prescribed by the Judges.

(E) A Pro-Tempore Judicial Officer shall receive the necessary orientation and training before assignment. The Pro-Tempore Judicial Officer will be assigned only to a calendar on which they have received training and orientation.

(1) The regularly appointed Court Commissioner shall be first utilized for judicial calendars and only in their absence or unavailability shall Pro-Tempore Judicial Officers be used on a judicial calendar.

(2) The Judicial Operations Manager shall notify and schedule the Pro-Tempore Judicial Officers.
(Amended effective Sept. 1, 2002.)

(F) The Pro-Tempore Judicial Officers shall be administered the Oath of Office as required in section 3.34.080 of the Revised Code of Washington only by the Judicial Operations Manager, the Presiding Judge or the Acting Presiding judge in the absence or unavailability of Presiding judge. No other person shall be authorized to administer the Oath of Office on behalf of the Court.
(Amended effective Sept. 1, 2002.)

(6) Court Administrator.
(Amended effective Sept. 1, 2002.)

(A) Selection. Upon a vacancy, the Presiding Judge and not less than two (2) additional Judges selected in a Judges' meeting shall act as a Personnel Committee. The Personnel Committee shall take the necessary step to obtain qualified applicants. The Committee shall screen the written applications, conduct interviews, and make recommendations to the Judges. Any Judge may attend, participate, and vote as a member of the Personnel Committee. Selection of the Court Administrator shall be by majority vote of Judges present at a regularly scheduled Judges' meeting.

(B) Termination. The Court Administrator shall serve at the pleasure of the Judges and shall be terminated by a majority vote of judges at a regularly scheduled Judges' meeting.

(7) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include but not be limited to those duties set forth in the job description for the Court Administrator.
(Amended effective Sept. 1, 1998.)

(8) Departmental Employees. Departmental employees are those employees assigned to a Judge, or Judges, and shall include, but are not limited to Judicial Assistants and Judicial Secretaries. The Judicial Operations Manager shall be the immediate supervisor of the Judicial Assistants and Judicial Secretaries with such duties and responsibilities as assigned by the Judges. Departmental Employees shall be selected and serve at the pleasure of the Judges in accordance with policies approved by the Court and procedures contained in the District Court Employee Handbook.
(Amended effective Sept. 1, 2008.)

(9) Employer-Employee Relations. The Court shall issue an employee handbook which will set forth the general employment policies and practices of the Court, and a code of conduct for all employees. Except as otherwise provided in the Local Rules of the Spokane County District Court, and the Policies adopted by the District Court, all employees of the Spokane County District Court shall comply with the provisions of the handbook.
(Adopted effective Sept. 1, 1997, Adopted effective Sept. 1, 2009)

(10) Courtrooms. The Court shall have its main facility at the Spokane County Courthouse site located at the Public Safety Building, the Courthouse Annex and the Broadway Center Building. The Court shall sit from time to time at the branch sites including the City of Spokane Valley, Cheney, Deer Park and such other location designated by the County Legislative authority. Only those types of cases specifically approved by the Court shall be heard at branch sites.
(Amended effective Sept. 1, 2008. Amended effective Sept. 1, 2009)

LARLJ 10
PARALEGALS

Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the Court for noncompliance with this rule, or other misconduct, regardless of whether the Paralegal is permitted to present orders before other Courts.

(Amended effective Sept. 1, 1995, amended effective Sept. 1, 2000.)

LARLJ 11
RECEIVING SERVICE OF PROCESS

Service of Process of legal suits, writs, or other actions on or against Spokane District Court shall be served upon the Court Administrator or Presiding Judge in his or her official capacity.

(Adopted Sept. 1, 2004, Amended effective Sept 1, 2009)

LARLJ 12
Investigations by the Judicial Conduct Commission:
Access to Sealed Files and Documents

(a) Confidential Use: Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

(b) Public Use: No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge. (Adopted effective Sep. 1, 2007).

LCRLJ 1
LOCAL CIVIL RULES AND SCOPE

[See LARLJ 2]

LCRLJ 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing

(5) Motions. No motion for any order shall be heard unless the papers pertaining to it have been filed with the Clerk.

(6) Documents Not to be Filed:

(A) Interrogatories and depositions without written permission of Court, unless necessary for the disposition of a motion or objection;

(B) Unanswered request for admissions unless necessary for the disposition of a motion or

objection;

(C) Photocopies of reported cases, statutes or texts appendix to a brief or otherwise, shall not be filed, but may be furnished directly to the Judge hearing the matter;

(D) Documents or copies thereof which should be received as exhibit rather than part of the Court file.

(E) Request for discovery and/or answer shall not be filed unless necessary for the disposition of a motion or objection.

(7) Offers of Settlement. An offer of settlement made pursuant to Chapter 4.84 of the Revised Code of Washington shall not be filed or communicated to the trier of fact in violation of Section 4.84.280 of the Revised Code of Washington prior to the completion of trial. A violation of this order shall result in the denial of the reasonable attorney fee. [See LCRLJ 68]

LCRLJ 10
FORM OF PLEADINGS

(d) Bottom Notation. At the left side of the bottom of each page of all pleadings and other papers prepared by an attorney, an abbreviated name of the pleading or other paper should be repeated, followed by the page number. At the right side of the bottom of the first page of each pleading or other paper, the name, mailing address and telephone number of the attorney or firm preparing the paper should be printed or typed.

(1) Every proposed order or judgment and decree presented to a Judge for signature shall be signed by the individual attorney or pro-se party. Attorneys signing shall include their Washington State Bar Association identification number.

(2) Change of Name or Address of Attorney. An attorney whose office address or whose name changes shall, within 10 days after the change, notify in writing the District Court Administrator's Office. An attorney may use the same format referred to in APR 13 or the form in use by the Washington State Bar Association.

(A) Change of Address. The Attorney shall furnish his or her Washington State Bar Association membership number, the previous address and telephone number, clearly identified as such, the new address and telephone number, clearly identified as such, and the effective date of the change.

(B) Change of Name. The attorney shall furnish his or her Washington State Bar Association membership number, the previous name, clearly identified as such, the full new name, clearly identified as such, and the effective date of the change.

(e) Paper Weight and Type Style. Unless otherwise authorized, pleadings, motions, and other papers filed with the Court shall be on standard 20 weight paper. Forms and pleadings shall be printed in standard text fonts (e.g. Arial or Times New Roman) and in standard point sizes (e.g. 12 point or 10 point). Other point sizes may be used for captions and footers so long as the captions and footers are legible when faxed, photocopied or scanned. Bold, underlined and italicized type is acceptable where appropriate.

(f) Format Recommendation

(1) Documents to be filed with the County Auditor, such as Name Change Orders, etc., shall conform to the format requirements set forth in R.C.W. 65.04.045.

LCRLJ 11
SIGNING OF PLEADINGS

(a) Failure of a party to comply with the Local Rules of this Court may be grounds for imposition of appropriate sanctions.

(1) The term party shall include the attorney for such party unless the context of the rule excludes such meaning.

LCRLJ 33
INTERROGATORIES TO PARTIES

(Deleted effective September 1, 2001.)

- (a) Limited Interrogatories Without Prior Approval of the Court; Parties Represented by Attorneys.
(Deleted effective September 1, 2001.)
- (b) Discovery When Damages Equal or Exceed \$10,000.
(Deleted effective September 1, 2001.)

LCRLJ 38
JURY TRIALS

- (d) Impaneling the Jury
- (1) Voir Dire
- (A) Completion of Voir Dire - Juror Questionnaires and Information Form. At the conclusion of voir dire, Juror Questionnaires, if any, and Information Forms shall be immediately returned to the Court. Juror Questionnaires and Information Forms may not be removed from the courtroom without the express permission of the trial Judge. Juror Information Forms and Questionnaires will not be filed with the Court file. The trial Judge shall direct that individual Questionnaires of jurors dealing with matters of a personal or sensitive nature, if required to be filed by rule or statute, shall be separately filed under seal.
(Amended effective Sept. 1, 1998)
- (3) Peremptory Challenges
- (A) The exercise or waiver of peremptory challenges shall be noted secretly on the jury list.

LCRLJ 40
ASSIGNMENT OF CASES

(a) Notice of Trial - Note of Issue - Civil

(1) Of Fact. Any party desiring to bring an issue of fact to trial shall serve and file, not later than seven (7) Court days preceding the setting day, a properly completed Note for Trial Setting. The Civil Clerk shall place on the setting calendar only those cases which are properly and timely noted. A party noting a case for trial thereby certifies that the case is at issue and that necessary witnesses will be available. Any party contending a case is not ready for trial shall do by serving and filing a counter Notice of Trial or objection to the setting at least three (3) days prior to setting day. The objection will be heard by the Civil Department Judge.
(Amended Sept. 1, 2005).

Failure to comply with this rule by any party may result in the imposition of terms; and/or the striking of the case from the calendar; and/or the refusal to grant a requested continuance.

(2) Of Law. Issue of Law may be noted for hearing on the Note For Hearing-Issue of Law form, and shall be heard on Friday of each week at 10:00 a.m. For issue of default, see LCRLJ 55.

(b) Method

(1) Civil Trial Setting Day. Note for trial shall be set for 9:00 A.M. on Fridays. The Civil Department Judge shall hear all objections to setting at that time.

(Amended Sept. 1, 2005, Amended Sept. 1, 2009).

(2) Civil Trial Date and Uncontested Setting. The Civil Clerk shall determine the trial date on all uncontested trial settings and place such case on the assigned trial calendar with proper notification to all parties by the Court. (Amended Sept. 1, 2005).

(3) Pro-Se Party - Civil Case. In every action in which there is a pro-se party, a Civil Clerk shall set the trial date when the pleadings are completed. The Clerk's Office shall notify the parties of the trial setting by regular first class mail and complete a certificate of mailing. (Amended Sept. 1, 2005).

(4) Civil Case - Notification of Out-of-County Counsel. Spokane County Counsel shall notify in writing, within five (5) days of the notice of case setting, all out-of-county counsel of the trial date of the case in which they are concerned and file a copy of such notice with a certificate of mailing.

(5) Motion Setting - Civil

(A) Filing Note for Hearing. The Note for Hearing-Issue of Law must be served and filed no later than twelve (12) days prior to the hearing (CRLJ 6 and CRLJ 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. In the event a motion or one continued from a prior date is to be argued, counsel for the moving party shall notify the District Court Civil Clerk by 12:00 Noon two (2) days before the hearing. At the time reporting counsel will be informed which Judge will be hearing the motion calendar. In the event an agreed or uncontested Order of Continuance is to be entered, or an Order to change Judge filed, counsel are further required to so file and notify the District Court Civil Clerk by 4:30 p.m. two (2) days before the scheduled hearing. Failure to comply with the provisions of this rule will result in the motion being stricken from the motion calendar. (Amended Sept. 1, 2005, Amended Sept. 1, 2009)

(6) Motion Setting - Summary Judgment. Motion for summary judgment and dismissal must be served and filed at least twelve (12) days prior to the hearing (CRLJ 56) and heard at least two (2) weeks prior to the date the case is set for trial. The motion shall be set in accordance with the provisions of paragraph (5) above; and a continuance may be granted only in accordance with the provisions of paragraph (e) below.

(7) Filing of Motions, Memoranda and Affidavits - General. The moving party shall file with the Note for Hearing-Issue of Law form, the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the Issue of Law form. If the responding party files a response to the issue of Law or any counter-affidavits, briefs, or memoranda of authorities, such document must be served and filed no later than seven (7) days before the hearing. The responding party must also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar and imposition of terms.

(A) Length of Memoranda. Memoranda relating to motions shall not exceed ten (10) pages. Attached copies of foreign and federal decisions are not included in the ten (10) page limitation. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex-parte.

(8) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be furnished to the clerk at the time of filing for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(9) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the assigned Judge determines otherwise, in which case the motion may be placed at the end of the calendar. (Amended Sept. 1, 2005).

(10) Pre-Assignment of Cases. All cases shall be pre-assigned to a Judicial Department except Ex- Parte matters. (Amended Sept. 1, 2005).

(11) Civil Ex-Parte Matters. Any Agreed Orders may be granted or denied by the judicial officer presiding in the Ex Parte department, or by any judge or court commissioner provided that the assigned judge is unavailable.

In the event a non-assigned judicial officer elects to deny to sign an agreed order, a denial of an order shall be noted on the order and filed in the legal file. (Amended effective Sept. 1, 1995, Sept. 1, 1999, Sept 1, 2008.)

(d) Trials

(1) Daily Calendar Procedure. The daily trial calendar shall be called at 9:00 a.m. and 1:30 p.m. by the assigned Judicial Departments.

(2) Case Assignment Procedure. Cases which are ready for trial but are not brought to trial because of non-availability of the trial Court, shall be

carried forward on the calendar to a day certain.

(3) Notice of Change in Status. Trial counsel are to report changes in the status of cases on the trial calendar to the Clerk. Special problems which affect readiness, such as unavailability of a witness, a party, or counsel, must be reported immediately. Neglect of this duty resulting in expense or inconvenience to the Court or other litigants may result in the imposition of terms, the refusal to grant a requested continuance, or the case being stricken from the calendar.

(e) Continuances

(1) Contested Continuances. If an attorney needs to have a case continued and the continuance is opposed, a motion for continuance shall be served on the opposing party and submitted to the assigned Judge not less than three (3) Court days in advance of the trial date. The motion shall be accompanied by an affidavit stating the reasons of necessity of the continuance. The three-day requirement may be waived if an emergency exists in fact. Terms may be imposed in the discretion of the Court. If a continuance is granted, it shall be reflected on the appropriate Court form or a comparable order.
(Amended effective Sept 1, 2005, Amended effective Sept 1, 2009)

(A) Pro-Se Parties. A pro-se party may request a continuance at the time of the hearing without compliance with the provisions of paragraph (1) above. Upon a showing of good cause, in the interest of justice, and/or the imposition of terms, the Court may grant a continuance. The continuance shall be noted on the case file.

(2) Agreed Continuances. In cases where all parties agree, an Order of Continuance will be presented for the assigned Judge's consideration not later than one (1) day prior to the date set for trial, unless otherwise authorized by the Court.

(A) Jury Trials. No jury trial will be continued, absent exigent circumstances, unless the agreed Order of Continuance is submitted to the assigned Judge for his or her consideration, not less than three (3) working days prior to the scheduled jury trial date.

(g) Pre-Trial Conference

(1) The Judicial Department assigned to the case will determine whether a case would benefit from a Pre-Trial Conference. The proceedings of the settlement conference are privileged and shall not be recorded. The attorneys for both parties shall attend with their respective clients. The parties shall confer in good faith prior to the date of the Pre-Trial Conference and attempt to reach an agreed disposition.

LCRLJ 43
TAKING OF TESTIMONY

(e) Evidence on Motions

(1) Motions shall be heard only on the pleadings, affidavits published deposition and other papers filed unless otherwise directed by the Court. Any counter-affidavit shall be served on the opposing party within seven (7) days pursuant to LCRLJ 40(b)(9), or the movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to a counter-affidavit may be served and considered at the hearing.

LCRLJ 43.1
COURTROOM PRACTICE AND DECORUM

(a) Examination of Witnesses and Arguments

(1) During opening statement, examination of witnesses and arguments, counsel should remain at counsel table unless otherwise authorized by Court.

(2) Do not approach a witness without asking permission of the Court. When permission is granted for the purpose of working with an exhibit, resume the examination from counsel table when finished with the exhibit.

(3) Rise when addressing the Court and when making objections as this calls the Court's attention to you.

(b) Objections to Questions and Evidence

(1) When objecting, state only that you are objecting and specify the ground or grounds of objection. Do not use objections for the purpose of making a speech, recapitulating testimony or attempting to guide the witness.

(2) Argument upon the objection will not be heard until permission is given or argument is requested by the Court.

(c) Decorum

(1) Address all remarks to the Court. Colloquy or argument between attorneys is not permitted.

(2) In a jury case, if there is an offer of stipulation, first confer with opposing counsel and obtain the Court's permission before submitting it to the jury.

(3) Counsel during trial shall not exhibit familiarity with witnesses, jurors, or opposing counsel. The use of first names or nicknames is to be avoided. During jury argument, no juror shall be addressed individually or by name.

(4) During the argument of opposing counsel, remain seated at the counsel table and be respectful. Never divert the attention of the Court or the jury.

(d) Witnesses and Ruling of the Court

(1) Witnesses shall at all times be treated with fairness, consideration and respect.

(2) No person shall ever by facial expression or other conduct exhibit any opinion concerning any testimony which is being given by a witness, or as to a ruling by the Court. Counsel will admonish their clients and witnesses about this very common occurrence.

(e) Court Hours and Promptness

(1) The Court will make every effort to commence proceeding at the time set. Promptness is expected from counsel and witnesses.

(2) Counsel should make every effort to schedule witnesses in order to ensure full utilization of the trial day.

(f) Exhibits

(1) All exhibits should be pre-marked for identification prior to trial. The Judicial Assistant assigned to each Judge will cooperate with counsel in facilitating the marking and management of the exhibits.
(Amended effective Sept. 1, 2009)

(2) Documents and other exhibits should be shown to opposing counsel before their use in Court.

(3) Ordinarily, exhibits should be offered in evidence when they become admissible rather than at the end of counsel's case.

(4) Marking on exhibits should only be made after receiving the Court's permission to do so.

(g) Opening Statements. Confine your opening statement to what you expect the evidence to show. It is not proper to use the opening statement to argue your case or instruct as to the law.

LCRLJ 47
JURORS

(a) Examination of Jurors (See Local Rule 38)

(Adopted effective Sept. 1, 1998.)

LCRLJ 49
VERDICTS

(f) Manner of Giving Verdict

(1) Receiving Verdict During Absence of Counsel. A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within twenty (20) minutes of telephone notice to the attorney's office, home or other number, the Court may proceed to take the verdict in the absence of such party or attorney. In such case, the jury shall be individually polled and the identity of any dissenting jurors recorded.

LCRLJ 51
INSTRUCTIONS TO JURY AND DELIBERATIONS

(a) Proposed. In addition to the proposed instructions required by CRLJ 51, each party shall submit a brief statement of the case suitable to be read to the jury before the voir dire examination.

(c) Form. Copies of proposed instructions shall contain supporting citations or reference to a pattern jury instruction.

(d) Published Instructions.

(3) Request of WPI or WPIC by reference. (Reserved.)

LCRLJ 54
JUDGMENTS AND COSTS

(c) Demand for Judgment

(1) Method - Ex-Parte Judgments and Orders. Counsel, legal interns and paralegals registered with the Spokane County Bar Association presenting a judgment or seeking entry of an order shall be responsible to see that all papers pertaining thereto are filed and that the Court file is provided to the Judge. Legal Interns presenting ex-parte or other agreed orders as authorized by APR 9(c)(4) shall be sufficiently familiar with the matter so as to satisfy the Court on any question reasonably to be anticipated. Counsel may present routine ex-parte or stipulated matters based on the record in the file by mail addressed to the Civil Clerk. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.

(d) Cost-Attorney Fees

(1) Reasonable attorney fees when allowed by statute or contract will be determined on a case by case basis and awarded in the sound discretion of the Court upon satisfactory justification, which may include documentation of time and charges.

In appropriate cases, when a Default Judgment is entered, reasonable attorney fees may be allowed on the basis of a maximum of 50% of the first \$500 of the principal amount of the judgment, plus 10% of any balance over \$500, without formal justification or documentation.

(2) If reasonable attorneys fees are requested based on a contract provision, the contract provision must be conspicuously highlighted or underlined to be readily ascertainable.

(3) Specific citation of authority must accompany requests for reasonable attorney fees on any basis other than contract provision.

(4) Statutory attorney fees may be granted when reasonable attorney fees are not authorized. (See RCW 12.20.060)

(5) Assigned Claims. Before costs and attorney fees will be allowed by the Court on assigned claims, proof shall be furnished the Court that Notice and Demand for Payment of disputed amount has been sent to the defendant by the assignee, and he or she has had reasonable opportunity of not less than thirty (30) days to pay the disputed amount prior to the suit. Reasonable attorney fees, when allowed, shall not exceed either ten percent (10%) of the disputed amount or the statutory attorney fee, whichever is greater unless there is documentation of time and charges.

(A) Payment Prior to Trial. A statutory attorney fee shall be allowed when the amount in dispute is paid any time prior to trial on assigned claims. A reasonable attorney fee shall not be allowed absent satisfactory justification including documentation of time and charges.

(6) Offers of Settlement. Improper communication of an offer of settlement shall result in the denial of reasonable attorney

LCRLJ 55
DEFAULT

(b) Entry of Default

(5) Form and Documentation

(A) Orders for Default and Default Judgments must be accompanied by the original and two copies of the following:

- (1) Supporting documentation of debt or Affidavit of Indebtedness.
- (2) Declaration or Affidavit of Service if not previously filed.
- (3) Affidavit Regarding Military Service on the form provided by the court for each defendant against whom the plaintiff is requesting an order of default or default judgment.
- (4) Affidavit of Venue and other requirements under CRLJ 55 (a) and (b).
- (5) On NSF checks, a separate pleading itemizing all charges and penalties claimed pursuant to RCW 62A.3-515.
- (6) If the default motion is mailed or left with the court, a stamped, self addressed envelope for the clerk to return a conformed copy to the plaintiff.

(B) Prejudgment Interest will be governed in accordance with RCW 19.52 and RCW 62A.3-515. Specific citation of authority must accompany requests for Pre-Judgment Interest on any other basis.

(6) Presentation and entry of defaults may be noted for hearing before the Civil Department Judge on Friday morning at 10:00 A.M.

(7) Post-Judgment Interest will accrue in accordance with RCW 4.56.110. Specific citation of authority must accompany requests for Post-Judgment Interest on any other basis.

(8) (i) Any plaintiff who obtains an average of five (5) or less default judgments per month from this Court may do so on any form or forms that comply with State statutes and the Rule for Courts of Limited Jurisdiction.

(ii) Any plaintiff averaging more than five (5) default judgments per month, unless leave of Court is granted, shall use the Motion and Affidavit for Default and the Order for Default and Default Judgment form provided by the Court. The Motion and Affidavit for Order of Default and Default judgment shall be available in the Clerk's Office and on the court's official website.

LCRLJ 56
SUMMARY JUDGMENT

(See LCRLJ 40)

LCRLJ 58
ENTRY OF JUDGMENT

(a) Judgment on a Promissory Note. No Judgment on a promissory note will be signed until the original note has been filed with the Court, absent proof of loss or destruction.

(Amended effective Sept. 1, 2009)

LCRLJ 60 (c)
RELIEF FROM JUDGMENT OR ORDER

(Adopted Sept 1, 2004, repealed Sept. 1, 2009).

LCRLJ 68
OFFER OF JUDGMENT

(a) Form. Offers of Settlement shall clearly state it is an Offer of Settlement and specifically refer to Chapter 4.84 of the Revised Code of Washington.

(1) Method of Service. Service shall be made as permitted in CRLJ 5;

(2) Time of Service. Service shall be made in accordance with RCW 4.84.280.

(3) Pro-Se Parties. Offers of Settlement served on pro-se parties shall include a statement that failure or refusal to accept this offer may result in a reasonable attorney fee being assessed at the time of judgment. Failure to include such wording will be grounds for the Court to deny reasonable attorney fees.

LCRLJ 69
EXECUTION, SUPPLEMENTAL PROCEEDINGS AND GARNISHMENTS

(a) Scope. Execution, supplemental proceedings and garnishments are governed by Statute (see Title 6 and 7 of the Revised Code of Washington).

(1) Supplemental Proceedings. In all supplemental proceedings wherein a show cause order is issued pursuant thereto requiring the personal attendance of a party to be examined in open Court and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the Court to refuse to issue a bench warrant. (Amended effective Sept. 1, 1998.)

(2) Bench Warrant. In the event the judgment debtor fails to appear for examination in supplemental proceedings, the Court may issue a Bench Warrant for the defendant's arrest upon plaintiff's motion, provided that proof of service on the judgment debtor of the order to appear for examination has been filed. Such Bench Warrant shall provide for bail in the amount of \$500.00 unless the total judgment, including costs and fees, is less than \$500.00, in which case bail shall be set at such lesser amount. Upon arrest on a Civil Bench Warrant, the defendant shall be released by the jail upon posting the bail amount in cash or surety bond. The jail shall require the defendant to sign a jail release form to appear at the Civil counter within 24 hours of release to make a court date. The Clerk shall set

a new date and time for the Supplemental Proceeding and notify both parties.
(Amended Effective Sept. 1, 2005).

If the judgment debtor is not released on bail or bond, he or she shall be brought before a Judge, not later than the next judicial day, who shall set a new date and time for the examination on Supplemental Proceedings, and notify both parties.

Upon completion of the examination of the judgment debtor, and the bail shall be exonerated unless the Court orders otherwise.

(3) (Deleted)

(b) Judgment Against Garnishee Defendant.
(Adopted effective Sept. 1, 1999.)

(1) In the event a garnishee defendant answers a writ of garnishment, judgment against the garnishee may be entered only after:

- (A) Twenty days have elapsed from the date of filing of the answer or the second answer in the event of a continuing lien;
- (B) Proof of service of the writ, and other documents required by the statute to be served is filed with the Court.

(2) A judgment upon an answer of a garnishee defendant may be entered on an ex parte basis.

(3) In the event a garnishee defendant fails to answer the writ of garnishment, a default judgment against the garnishee defendant may be entered only after:

- (A) Twenty days have elapsed from the filing and service of the writ;
- (B) Notice of intent to present the default judgment shall be personally served or sent by certified mail giving at least 10 calendar days notice before the default judgment is taken. Proof of mailing must be filed before the default judgment is taken.

(c) Exemption Claims to Writ of Garnishment

(1) Exemption Claims and Hearings
Non-Responsive Exemption Claim. An Exemption Claim in the form prescribed in RCW 6.27.140, submitted by a party shall be deemed Non-Responsive if:

- (A) The form is submitted in blank and/or does not assert a claim of exemption;
- (B) Exemption(s) specific to bank accounts are claimed and the Writ is not directed to a bank;
- (C) Exemption(s) specific to Child Support Garnishments are claimed and the Writ is not issued for enforcement of a child support judgment;
- (D) Exemption(s) specific to pension or retirement benefits are claimed and the Writ is not directed to the garnished party's employer or other pension or retirement benefit provider; or
- (E) Exemption(s) specific to other personal property are claimed and the Writ is directed to a bank, employer or other holder of monetary amounts belonging to the garnished party.

(2) Denial of Non-Responsive Exemption Claim:

(A) Claim as defined in this rule shall be denied without a Court hearing if the garnishing party files and serves a Notice of Non-Responsive Exemption Claim, substantially in the form prescribed in subsection (3) of this rule, within seven (7) days of receipt of the Exemption Claim. If filing and/or service is had by mail, compliance with this rule shall be deemed complete if the described Notice is posted in the U.S. Mail on or before the seventh day after the

garnishing party receives the Exemption Claim.

(B) Notice of Non-Responsive Exemption Claim Form. The Notice of Non-Responsive Exemption Claim shall be substantially in the form approved by the Court.
(Adopted effective Sept. 1, 1995.)

(d) Federal Government as Garnishee Defendant

(1) Whenever the federal government is named as a garnishee defendant, the Clerk of Court shall, upon submittal of a notice in the appropriate form by the requesting party, issue a notice which directs the garnishee defendant to disburse any non-exempt earnings to the Court.

(2) Funds received by the Clerk from a garnishee defendant may be deposited into the registry of the Court, or in case of negotiable instruments, may be retained in the Court file. Upon presentation of an order directing the Clerk to disburse the funds received, the Clerk shall pay or endorse the fund over to the party entitled to the same. Except for good cause shown, the funds shall not be paid or endorsed to the judgment creditor prior to the expiration of any minimum statutory period allowed to the judgment debtor for filing an exemption claim.

(3) The party requesting the Writ of Garnishment shall supply a copy of the notice to the garnishee defendant with a pre-addressed envelope to the Court which has the cause number displayed thereon and to the garnished party in the same manner as is permitted for the service of the Writ of Garnishment.

(4) The notice to the federal government employer shall be in substantially the form approved by the Court.
(Adopted effective Sept. 1, 1995)

LCRLJ 79
BOOKS AND RECORDS KEPT BY THE CLERK

(a) Records. Records are governed by Title 3 of the Revised Code of Washington.

(b) Other Books and Records Kept by Clerk

(1) Exhibits. Exhibits shall be kept with the Court file unless they are oversize. Any inspection of an exhibit must be in the presence of the Clerk or a Deputy Clerk unless authorized by an order of the Court. (Amended Sept. 1, 2005).

(2) Rejection of Unsuitable Material. The Clerk shall not accept for filing in the Court file matters which should be filed as an exhibit or other material not to be included by reason of LCRLJ 5(d)(6). When the Clerk is uncertain as to whether a matter is suitable for filing, he or she shall seek the advice of the Civil Judge before filing the same. (Amended Sept. 1, 2005).

(3) Withdrawal of Files. No file may be removed from the Clerk's Office without an order of the Court, except as herein provided: an attorney, legal intern, paralegal registered with the Spokane County Bar Association, District Court Probation Officer, or Pre-Trial Release Evaluator may withdraw a file without a specific order of the Court. A person withdrawing a file and failing to return same file by the close of business of the same day the file was withdrawn, shall lose the privilege of withdrawing files until the previously withdrawn file is returned. Failure to return the file after notice from the Clerk's Office of a violation of this rule may result in the imposition of terms or other appropriate sanctions. Any person withdrawing a file and leaving it with a Judge or Judicial Secretary shall have the duty to immediately correct the check out record in the Clerk's

Office, showing the file was, in fact, left with a Judge or Judicial Secretary.

(4) Items Required to be Sealed by the Clerk's Office are as follows:

- (A) Probation Department Investigation reports for sentencing procedures;
- (B) Alcohol evaluations and reports;
- (C) Mental Health evaluations and reports;
- (D) Drug Evaluations and reports;
- (E) Pre-trial release evaluations and recommendations; and
- (F) Any other item ordered to be sealed by a Judge or classified as confidential by statute, rule or regulation. [See LARLJ 9.]

LCRLJ 83
LOCAL RULES OF THE DISTRICT COURT

(a) Adoption and Amendments. [See LARLJ .]

LCrRLJ 1.6
CONDUCT OF COURT

(a) The Local Civil Rules (LCRLJ) will supplement the Criminal Rules (CrRLJ) in the absence of an appropriate Local Criminal Rule (LCrRLJ).

LCrRLJ 1.7
LOCAL CRIMINAL RULES

(a) Adoption and Amendments. [See LARLJ 2.]

LCrRLJ 2.3
SEARCH AND SEIZURE

(h) Search Warrants.

(1) After execution, the search warrant shall be filed by number and description of the person or property to be searched. An index will be maintained and available to the public by the Clerk's Office.

(2) The affidavit and accompanying papers including the return of service shall be filed in accordance with the provisions of CrRLJ 8.10 and ARLJ 9. (Amended effective Sept. 1, 1995.)

(Adopted effective Sept. 1, 2003; Amended effective Sept. 1, 2003)

LCrRLJ 2.5
PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE TO APPEAR

(a) Recall of Failure to Respond Arrest Warrants. The Court Administrator or delegate shall have authority to

recall Failure To Respond Arrest Warrants under the following provisions:

(1) The Failure To Respond Arrest Warrant was issued because the defendant failed to respond to the citation or a Summons and Complaint.

(2) The defendant personally appears at the counter to sign for a court date, or appears through counsel.

(Amended effective Sept. 1, 1995.)

LCrRLJ 3.2
RELEASE OF ACCUSED

(k) Forfeiture. Criminal offenses disposable by bond forfeiture, except as mandated by CrRLJ 3.2, shall be approved, by a majority vote of the Judges. A public list of offenses, amounts, and conditions shall be maintained by the Clerk's Office, and available upon request. Nothing in this rule restricts a case by case disposition of a criminal matter.

(m) Bail Schedule.

(1) A bail schedule for persons arrested on probable cause, except such schedule as is mandated by CrRLJ 3.2(m), may be established by a majority vote of the Judges. The Schedule may be revised from time to time in the interests of justice and available in the Clerk's office. The bail schedule shall be a General Order and not part of the Local Rules. A copy of the General Order setting forth the bail schedule shall be furnished to the jail.

(2) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

(A) An offense classified as a Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.

(B) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.

(C) An offense classified as a Felony.

(n) Personal Recognizance Release. Reserved.

LCrRLJ 3.3
TIME FOR TRIAL

(f) Continuances

(3) Form and Procedure. A continuance in a criminal matter shall be requested on a Case Scheduling Order, and submitted to the assigned Judge for approval in accordance with the provisions of LCRLJ 40(e).

(k) Deferred Prosecution

(1) (A) Petition for Deferred Prosecution under Section 10.05 of the Revised Code of Washington, shall be filed fourteen(14) days before the date set for trial on forms approved by the Court.

(B) The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from the Probation Office, or such other Court Appointee authorized under Chapter 10.05 of the Revised Code of Washington.

(2) When the Court denies the Petition for a Deferred Prosecution, timely filed under this rule, the case shall proceed to trial as previously set.

(3) In the event the Petition for Deferred Prosecution is approved by the Court, the defendant may be under the supervision

of the Probation Department, or Court Appointee pursuant to Section 10.05.170 of the Revised code of Washington. A defendant who refuses, fails or neglects to comply with an order, or request of the Probation Office or Court Appointee, or the terms of supervision, or conditions of supervision, or conditions of deferred prosecution may have the deferred prosecution revoked.

LCrRLJ 3.4
PRESENCE OF THE DEFENDANT

(a) When Necessary

(1) Pre-trial Hearings. The assigned Judge will determine if a Pre-trial hearing shall be scheduled after the arraignment. The parties shall confer in good faith prior to the Pre-trial or readiness hearing in an attempt to reach an agreed disposition. The defendant shall be required to attend the Pre-trial hearing unless excused by the Court. Failure to attend may result in issuance of a bench warrant and/or forfeiture of any bond.

(d) Video Conference Proceedings

(2) Approval of the assigned Judge must be obtained in advance to conduct by video conference such proceedings as provided for by CrRLJ 3.4 (d) (2).

LCrRLJ 4.1
PROCEEDINGS BEFORE THE JUDGE-APPEARANCE-BAIL

(d) Appearance by Defendant's Lawyer

(7) Attorneys retained by defendants, or public defenders who have assumed representation of defendants must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(e) Counter-Appearance. A defendant, in response to a Summons and Complaint, Citation and Notice to Appear, or a Jail Release Appearance form, may first appear at the Court Appearance Counter to obtain an Arraignment or Pre-Trial Conference date. A defendant wishing to be represented by the Public Defender shall be referred to the Probation Department for a determination of eligibility.

(g) For the Municipal Courts of the City of Cheney and the City of Deer Park, the requirement for appearance by the Defendant in person within one judicial day after arrest as set forth in RCW 46.61.50571 is waived; however, such defendants are required to appear in person at the Municipal Court of the City of Cheney or Deer Park at the next regularly-scheduled Court day of such Court. The Judge assigned to each of those Municipal Courts shall file in advance a schedule of Court dates with the Clerk of each of those Courts.

LCrRLJ 4.2
PROCEDURE UPON A PLEA OF GUILTY

(i) Guilty Plea Statement. It shall be the duty of the defense attorney to have a properly completed written statement of the defendant on a guilty plea.

(Amended effective Sept. 1, 2009)

LCrRLJ 4.7
DISCOVERY.

(e) Discretionary Disclosure

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the Court may have a basis for its ruling.

(Amended effective Sept. 1, 1998.)

LCrRLJ 6.1.1
TRIAL BY JURY OR BY THE COURT

(a) Trial by Jury - Waiver.
[Deleted]

(Deleted effective September 1, 2007)

LCrRLJ 6.13
EVIDENCE

(Repealed effective Sept. 1, 2009)

LCrRLJ 7.2
SENTENCING

(e) Reduction of Sentence for Trustee Status
[Deleted]

(Deleted effective September 1, 2001)

LCrRLJ 8.2
MOTIONS

(a) Calendar Settings.

All motions for dismissal, suppression and post-sentence relief, except motions pursuant to rule 3.5, shall comply with the provisions of CrRLJ 3.6.

(b) Motions to Dismiss and Motions to Suppress Evidence.

Said Motions shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Provided, however, that the Court may waive this requirement if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to notify the assigned Judge by noon of the day prior to the motion day if oral testimony is required and estimated length of time required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders-Criminal Cases.

The following Agreed Orders may be approved or denied by any Judge or Commissioner PROVIDED the assigned Judge is absent or unavailable unless otherwise noted on and after review of the case file:

- (1) Agreed Order of Dismissal
- (2) Agreed Order of Misdemeanor Compromise
- (3) Agreed Order of Bond Forfeiture

- (4) Agreed Order of Pre-Trial Jail Release
- (5) Agreed Order of Pre-Trial Bond Release
- (6) Agreed Order of Pre-Trial Bond Reduction
- (7) Agreed Order of Continuance of Pre-Trial Conference

It is understood that the non-assigned judicial officer being asked to sign any of the above Orders may refuse to sign. An Order not listed above shall be presented only to the Judge assigned to the case for his/her approval or denial. Orders denied must be noted on the Court file.

(d) Agreed Orders - Criminal Cases.

Any Agreed Orders may be approved or denied by the judicial officer presiding in the ex parte department, or by any judge or commissioner provided the assigned judge is unavailable.

In the event a non-assigned judicial officer elects to deny to sign an agreed order, a denial of an order shall be noted on the order and filed in the legal file.

(e) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(f) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

(Amended effective Sept. 1, 2008, Amended effective Sept 1, 2009)

LCrRLJ 8.10
Closure of Proceedings and Closure of Records.

Reserved.

(Amended effective Sept. 1, 1995.)

LIRLJ 1.1
SCOPE AND ADOPTION

[See LARLJ 2.]

LIRLJ 2.2
INITIATION OF TRAFFIC CASES
(REPEALED AND RESERVED)

(d) Filing of Notice

(1) Whenever a Notice of Infraction has been issued and not filed with the Court within 48 hours, as prescribed by section (d), the Clerk shall bring the untimely filing to the attention of the Traffic Docket Judge except:

(A) If the Notice of Infraction is not filed within 72 hours after the issuance of the Notice, excluding Saturdays, Sundays and holidays, the Chief Infraction Clerk may note the citation "dismissed without prejudice LIRLJ 2.2," and take no further action.

(2) Notwithstanding the above rule, whenever money is receipted on the defendant's copy of an Infraction, prior to the filing of the Infraction by law enforcement, the Infraction shall not be dismissed for late filing. Nor shall the Notice of Infraction be dismissed under this rule after it has been filed with the Court.

(REPEALED AND RESERVED)

LIRLJ 2.4
RESPONSE TO NOTICE

The procedure authorized in IRLJ 2.4 (b) (4) is adopted by this court except with respect to violations of Spokane County Code Sections 5.04.030 and 5.04.031 other than Sections 5.04.030(c) and 5.04.031(c) and consistent section 5.04.130 so that a person who has been served with a notice of infraction may respond to that notice within ten (10) calendar days of the date the notice is personally served or, if the notice is served by mail, within thirteen (13) calendar days of the date the notice is mailed by appearing at designated window(s) of the Spokane County District Court and showing proof of having obtained an animal license relating to the relevant charge(s) and paying or making suitable arrangements to pay the sum of \$50. Provided, however, this option shall in no way hinder those other options provided to such persons in this rule or IRLJ 2.4(b) (4). The procedure authorized in IRLJ 2.4(b) (4) is adopted by this court except as modified above.

[Effective October 10, 2003; January 2, 2004; April 1, 2004]

LIRLJ 2.5
FAILURE TO RESPOND

(a) Out-of-State Residents - Penalty Assessment. An out-of-state resident failing to timely respond to an Infraction notice shall be mailed a thirty day letter authorizing a penalty forfeiture in the original penalty amount if the defendant remits the required amount within 30 days of the date of the letter.

(b) In-State Resident-Penalty Assessment. An in-state resident failing to timely respond to an Infraction shall have the privilege to remit and forfeit the original penalty not later than 30 days after the response period expired.

LIRLJ 3.2
FAILURE TO APPEAR

(b) Setting Aside Judgment Upon Failure to Appear - Good Cause Petition

(1) A defendant may file a Good Cause Petition to set aside a default judgment for Failure to Appear at a requested hearing. Only one (1) Petition shall be allowed on a Failure to Appear judgment. A Mitigation hearing may be granted upon setting aside the judgment. A Contested Hearing shall not be allowed unless by special written Order of the assigned Judge or Court Commissioner.

LIRLJ 3.4
HEARING ON MITIGATING CIRCUMSTANCES

(c) Disposition

(1) Written Request for Penalty Reduction. A defendant requesting a reduction of the Infraction penalty may have such determination based on his or her prior driving record without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written Order maintained in the Clerk's Office and available upon request.

(2) Infractions disposable by a reduced bond forfeiture, with conditions precedent, shall be established by a majority vote of the Judges. A public list of Infractions, bond amount, and conditions shall be maintained in the Clerk's Office and available upon request.

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

The procedure authorized by IRLJ 3.5 is adopted by this Court.

LIRLJ 6.2
MONETARY PENALTY SCHEDULE

(e) Penalty for Unscheduled Infractions and Infractions not covered by LIRLJ 6.2 A penalty schedule for persons charged with miscellaneous infractions not covered by Supreme Court rule shall be established by a majority vote of the Judges. The schedule shall be revised from time to time in the interest of justice and available in the Clerk's Office. Copies shall be furnished to law (traffic) enforcement officer in Spokane County.

LIRLJ 6.6
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION
CERTIFICATION

(b) Any certificate, affidavit, or foundation evidentiary document allowed or required by IRLJ 6.6 can be filed with the Clerk of the Court and maintained by the court as a public record. The records will be available for inspection by the public. Copies will be provided on request, subject to a charge for any allowable copying fees.
(Adopted effective Sept. 1, 1999, amended effective Sept. 1, 2000.)

(d) Requests to produce the electronic measuring device expert shall be contained in a separate document and served on the prosecutor with a conformed copy filed with the Clerk of the Court. The Motion and Order-Issue of Law, Form 1503, may be used to demand the expert.

(1) The party filing the above demand shall specifically call it to the Court Clerk's attention so the case will be set on the appropriate radar expert trial date so as to avoid a continuance under IRLJ 6.6(c).

LIRLJ 6.8

MOTION PRACTICE

All motion settings shall be served on the Prosecuting Attorney for the County five (5) days prior to the date set on the Motion and Order Form 1503. The District Court Clerk's Office shall furnish dates each week for the hearing of motions on contested infractions. It will be at the discretion of the Judge or Commissioner, after ruling on the motion, whether the infraction can then proceed to contested hearing immediately, or be reset on a contested docket. Motions in infraction cases shall comply with the above procedure or may be stricken by the Court.

(Adopted effective Sept. 1, 1997, amended effective Sept. 1, 1998,
Amended effective Sept. 1, 2009)

Committee Comments: LIRLJ 6.8 has been adopted for the purpose of assisting attorneys and defendants contesting infractions that require the determination of a motion to: dismiss, suppress evidence, objection to jurisdiction, objection to written statements or other issues, and will be considered by the Court only if the above Rule is followed.

LJSC 0.1 SCOPE AN ADOPTION [See LARLJ 2]

Local Rules on Small Claims actions supplement Chapter 12.40 of the Revised Code of Washington.

LJSC 0.2 HEARING

(a) Defendant. When a party against who a judgment is sought fails to appear at the time and place specified in the Notice issued pursuant to RCW 12.40.060, a default judgment shall be entered upon proof of valid service, presentation of supporting evidence of indebtedness, and proof of venue.

(b) Plaintiff. When a plaintiff fails to appear at the time and place specified in the Notice issued pursuant to RCW 12.40.060, the plaintiff's claim shall be dismissed without prejudice.

LJSC 0.3 MOTION TO VACATE DEFAULT JUDGMENTS

(a) A Motion to Vacate a Small Claims Court Judgment shall be governed by CRLJ 55(c).

LJSC 0.4 NEW TRIAL, RECONSIDERATION AND AMENDED JUDGMENTS

(a) Time. A Motion for a new trial, reconsideration, or amended judgment shall be filed within the statutory appeal period.

(b) Procedure. The Motion shall be set for hearing only with the permission of the Court and shall require notice to the opposing party.

LJSC 0.5
PAYMENT OF MONETARY JUDGMENT

(a) Payment Plan. A Judgment debtor may petition the Court for a payment plan prior to a transcript of such judgment being entered on the District Court Judgment Docket.

(b) Form of Petition. The petition shall be on a Court approved form available in the Clerk's Office. The pertinent financial information shall be under oath. Upon the filing of Petition for Installment Payment, the Clerk's Office shall set a hearing date and notify both parties.

LJSC 0.6
REASONABLE ATTORNEY FEE ON CERTIFICATION

In the event an attorney is employed to collect Small Claims Judgment, a reasonable attorney fee of \$250.00 shall be allowed upon certification of the judgment. Additional attorney fees shall be awarded in the sound discretion of the Court upon satisfactory justification including documentation of time and charges.

(Amended Effective Sept. 1, 2004).

LRALJ 2.4
FILING NOTICE OF APPEAL

(a) Where to File Notice of Appeal. A Notice of Appeal from a final decision of the Spokane County District Court must be filed with the Clerk of Court on forms approved by the Court. Upon payment of the filing fee, if applicable, or determination that no fee is due, the Clerk shall transmit a copy of the Notice of Appeal, and all other necessary materials to the Superior Court Clerk.
(Amended Sept. 1, 2009)

(b) Filing Fee. Appellant(s) shall pay the Superior Court filing fee as defined by law, unless specifically excused by law, or upon obtaining an Order to Proceed in Forma Pauperis. Appellant shall file any Motion and Affidavit for Order to Proceed in Forma Pauperis with the Judge or Commissioner who heard the case, or in his or her absence, by the Presiding Judge. In Forma Pauperis Petitions shall be filed on forms approved by the Court.
(Adopted effective Sept. 1, 1995.)

LRALJ 4.3

(b) Criminal Case. In order to stay a sentence, the party appealing the judgment must file with the Clerk of the Court a Stay Order signed by the assigned Judge, or in his or her absence, the Presiding Judge, setting forth the conditions of release.

(Adopted effective Sept. 1, 2001)

LRALJ 5.1
RECORDING GENERALLY

(a) Generally

(1) Preservation of Court Recording Tapes. Court

proceedings recorded by tape recording machines
shall be preserved for a period of two (2) years
after entry of the final judgment.
